IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 35773 of 2007(H)

PETITIONER:

ANANTHARAMAN, AGED 78 YEARS,
S/O.PAPUKUTTY, PUNNAVILA VEEDU,
(MELATHIL VEEDU),MUTTAPPALAM,
AZHOOR , AZHOOR VILLAGE,
CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.J.JAYAKUMAR

RESPONDENTS:

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1. THE SECRETARY(SPECIAL GRADE),
AZHOOR GRAMA PANCHAYATH, PERUMUZHI POST - 695 305,
CHIRAYINKEEZHU TALUK,THIRUVANANTHAPURAM DISTRICT.

2. THE SUB INSPECPTOR OF POLICE,
CHITRAYINKEEZHU POLICE STATION,
CHIRAYINKEEZHU,THIRUVANANTHAPURAM DISTRICT.

R2 BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C) No.35773 of 2007

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Dated: 3rd December, 2007

JUDGMENT

Under challenge in this Writ Petition is Ext.P7 notice issued by the Panchayat to the petitioner. Under Ext.P7 the petitioner is directed to hold up the work of construction of his building which is permitted as per Ext.P1. The petitioner also impugns Ext.P8 letter which was received by him subsequent to Ext.P7. The petitioner submits that Ext.P7 was issued by the Secretary of the Panchayat even before the Panchayat had passed resolution on 24.11.2007. It is true that Ext.P7 was issued to the petitioner before the Committee of the Panchayat had adopted resolution No.IV-6 which is dated 24.11.2007. However, in my opinion, there is no reason for the petitioner to be aggrieved by Ext.P7. Under Ext.P7 the petitioner is only being called upon to produce the documents relating to his title and possession so that the Secretary of the Panchayat can verify whether the allegation (raised by somebody) that the petitioner is putting up constructions on puramboke land is correct. The petitioner relies on Exts.P1 title document, Ext.P2 basic tax receipt and Ext.P3 possession certificate and also Ext.P4 location sketch. These documents certainly show that the petitioner is having title and is in

possession over the property covered by Ext.P1 title document. If the constructions of the petitioner are confined to what is conveyed to him under Ext.P1, the petitioner's version that he is not putting up the constructions on the puramboke land may be correct. But this is a matter to be verified by the Secretary of the Panchayat. Ext.P7 is only a notice directing the petitioner to produce documents. The petitioner is directed to produce the documents called for before the Secretary of the Panchayat along with the objections which he is permitted to file to Ext.P7. If the petitioner produces documents and objections to Ext.P7 within seven days from today, the Secretary of the Panchayat will hear him with reference to the documents produced and take a final decision in the matter. Since the constructions of the petitioner are underway, the Secretary of the Panchayat will take an early decision. Decision as directed above will be taken at the earliest and at any rate within three weeks of receiving the objections and documents from the petitioner.

The Writ Petition is disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**